



Registry Services Evaluation Policy (RSEP) Request

February 6, 2018

Registry Operator

punkt.wien GmbH
Matznergasse 17
Wien, 1140

Request Details

Case Number: 00882954

This service request should be used to submit a Registry Services Evaluation Policy (RSEP) request. An RSEP is required to add, modify or remove Registry Services for a TLD. More information about the process is available at <https://www.icann.org/resources/pages/rsep-2014-02-19-en>

Complete the information requested below. All answers marked with a red asterisk are required. Click the Save button to save your work and click the Submit button to submit to ICANN.

PROPOSED SERVICE

1. Name of Proposed Service

TMCH TREx Service

2. Technical description of Proposed Service. If additional information needs to be considered, attach one PDF file

punkt.wien would like to provide the TMCH's TREx service, that provides an additional protection to the trademark holders that have an active trademark record in the Trademark Clearinghouse (hereinafter the "TMCH") by allowing trademark owners to "lock" (i.e. no longer available for registration except when under certain circumstances such as but not limited to: the TREx label has been overridden by a prior right holder; the TREx label can no longer be secured due to the outcome of a judicial proceeding;...) an identical matching label. For the purpose of TREx service punkt.wien will follow the policies and procedures as laid down by the TMCH.

- To be eligible for the TReX Service the label must :
 - Be at least three valid characters long and otherwise conform to ICANN-mandated name formation rules;
 - Match a label that is listed in an active sunrise eligible Trademark Record in the TMCH;
 - Not be registered as domain name or exempted for registration at the Registry level;
 - Not listed on the exempt list (e.g. a list of names that is provided by punkt.wien to TMCH and is excluded from the TReX Service.

The TReX Service will be offered in line with the TMCH procedures for a period of 12 months. The TReX Services can be renewed annually for a maximum of [1] year.

CONSULTATION

3. Please describe with specificity your consultations with the community, experts and or others. What were the quantity, nature and content of the consultations?

punkt.wien did not undertake any discussions. The TMCH is providing the TReX service based on a request of the trademark community. In this respect, punkt.wien wants to provide these services in collaboration with the TMCH.

punkt.wien confirms that the TMCH has done the necessary consultations with the trademark community and accredited registrars.

3a. If the registry is a sponsored TLD, what were the nature and content of these consultations with the sponsored TLD community?

punkt.wien submits that this RSEP is in lieu of its .WIEN Top Level Domain and as such is not a sponsored TLD.

3b. Were consultations with gTLD registrars or the registrar constituency appropriate? Which registrars were consulted? What were the nature and content of the consultation?

For the provisions of the TReX service there is no real need for consultations with the registrars. However, punkt.wien was informed by the TReX representatives that the TMCH did consult with the corporate registrars to determine whether there was a need for the TReX Service, which was affirmative.

3c. Were consultations with other constituency groups appropriate? Which groups were consulted? What were the nature and content of these consultations?

punkt.wien was informed by the TReX representatives that the TMCH has consulted with several stakeholders including the trademark holders. The feedback was very positive. In

addition, this only provides an extra layer of security to the trademark holders allowing them to create a more insightful domain name registration strategy by giving them more time to obtain a domain name registration.

3d. Were consultations with end users appropriate? Which groups were consulted? What were the nature and content of these consultations?

punkt.wien was informed by the TReX representatives that the TMCH has consulted with several stakeholders including the trademark holders. The feedback was very positive.

3e. Who would endorse the introduction of this service? What were the nature and content of these consultations?

punkt.wien is not seeking a formal endorsement of the service. Informally, however, as described above, we believe that the TMCH users would welcome the service.

3f. Who would object the introduction of this service? What were (or would be) the nature and content of these consultations?

punkt.wien does not anticipate any objection to the introduction of this service as it is closely resembles similar services from Donuts and Rightside registries (now taken over by Donuts) that have been readily accepted by the trademark community.

TIMELINE

4. Please describe the timeline for implementation of the proposed new registry service.

punkt.wien plans to offer the TReX Service as soon as possible.

BUSINESS DESCRIPTION

5. Describe how the Proposed Service will be offered.

The TReX Service will be offered via the TMCH. Trademark owners with an eligible SMD file will be able to purchase the TReX Service for a bundle of TLDs. Once the label has been enabled; and provided that the label is still available (i.e. not yet registered; not listed on the reserved list) punkt.wien will ensure that the label is no longer made available for registration. For those

trademark holders registering domain names as a defensive measure only, the TREx Service provides an easy, definitive, and cost-effective method for achieving their goals by offering at-a-stroke protection for TLDs included in the program. The TMCH TREx is quite similar to the Donuts DPML, which has done very well, and thus the TREx Service should be immediately understood and accepted by the trademark community.

The TREx protected label can be overridden by any party who has an eligible SMD file for the same label. At the moment that the TREx protected label is overridden, all TREx participants for that name will be notified hereof via the TMCH.

In addition, punkt.wien would also like to allow local rights holders to be able to override a TREx protected label when a third party can indeed demonstrate that he/she has a right to the particular name that is identical to the TREx protected label. Once punkt.wien has validated that right through its internal legal review process, it will promptly notify the TMCH. The TMCH will notify the TREx participants of such override. Such local rights could be:

- non-registered trademarks with a secondary meaning
- the Business Name or the specific name of a business within the scope of the applicable national law
- names or pseudonyms/aliases protected under national law
- titles that are protected pursuant to national Copyright law
- Names of monuments, churches, etc.

6. Describe quality assurance plan or testing of Proposed Service.

punkt.wien's registry platform, managed and operated by RyCE GmbH, has been fully tested and passed all quality assurance (QA) stages, including the functionality needed to facilitate locking of names.

7. Please list any relevant RFCs or White Papers on the proposed service and explain how those papers are relevant.

There are no relevant RFCs or white papers on the proposed service at this time.

CONTRACTUAL PROVISIONS

8. List the relevant contractual provisions impacted by the Proposed Service.

punkt.wien will consider proposed changes to its Registry Operator Agreement with ICANN should that become necessary. punkt.wien believes that the TREx Service may give rise to minimal registry policy changes relating to availability of added rights protection mechanisms,

9. What effect, if any, will the Proposed Service have on the reporting of data to ICANN.

All TReX protected labels will not be reported in BRDA or zone file as the label will not be registered. However, ICANN can request separate reporting to the TMCH.

10. What effect, if any, will the Proposed Service have on the Whois?

The TReX protected label will not have any effect on the WHOIS as it will not appear in the WHOIS.

11. What effect, if any, will the proposed service have on the price of a domain name registration?

n/a

CONTRACT AMENDMENTS

12. Please describe or provide the necessary contractual amendments for the proposed service

punkt.wien will consider proposed changes to its Registry Operator Agreement with ICANN should that become necessary. punkt.wien believes that the TReX Service may give rise to minimal registry policy changes relating to availability of added rights protection mechanisms,

BENEFITS OF PROPOSED SERVICE

13. Describe the benefits of the Proposed Service.

In the current expansion of the gTLD space, where brand owners may feel overwhelmed by the complexity of different launch and pricing schedules of new gTLDs, the TReX service would provide a flexible, affordable and simple way for brand owners to secure their names from registration for up to 1 year that can be renewed. This would aim to give comfort to brand owners and help reduce the number of disputes and complaints arising from IP rights.

COMPETITION

14. Do you believe your proposed new Registry Service would have any positive or negative effects on competition? If so, please explain.

Allowing punkt.wien to provide this service will allow it to fairly compete with substantially similar programs already in place in other new gTLD registries.

15. How would you define the markets in which your proposed Registry Service would compete?

As the affected gTLDs are authoritative and unique, strictly speaking there is no competition. More broadly construed, however, the market in which we are competing with other registries offering similar services is that part of the registrar market that services brand holders.

16. What companies/entities provide services or products that are similar in substance or effect to your proposed Registry Service?

Donuts, Inc., Rightside, and Minds and Machines offer largely identical products.

17. In view of your status as a registry operator, would the introduction of your proposed Registry Service potentially impair the ability of other companies/entities that provide similar products or services to compete?

Due to the fact that only the registry can authoritatively lock a name, only the registry is able and qualified to offer the service. By the same reasoning this service cannot impair the ability of other registries to introduce a similar service.

18. Do you propose to work with a vendor or contractor to provide the proposed Registry Service? If so, what is the name of the vendor/contractor, and describe the nature of the services the vendor/contractor would provide.

The service is in line with the TMCH and therefore we count on the TMCH to provide us with the necessary information in order to perform the services.

19. Have you communicated with any of the entities whose products or services might be affected by the introduction of your proposed Registry Service? If so, please describe the communications.

punkt.wien was informed that the TMCH has communicated to all gTLD registry operators and will allow all Registry Operators to participate in this Service.

20. Do you have any documents that address the possible effects on competition of your proposed Registry Service? If so, please submit them with your application. (ICANN will keep the documents confidential).

punkt.wien is not aware of any such document.

SECURITY AND STABILITY

21. Does the proposed service alter the storage and input of Registry Data?

No.

22. Please explain how the proposed service will affect the throughput, response time, consistency or coherence of responses to Internet servers or end systems.

TREx service exists simply to make the domain name label unavailable for registration so there is no impact to throughput, response times, consistency or coherence of responses to Internet servers or end systems.

23. Have technical concerns been raised about the proposed service, and if so, how do you intend to address those concerns?

No technical concerns have been raised about the proposed service.

OTHER ISSUES

24. Are there any Intellectual Property considerations raised by the Proposed Service?

The proposed service is targeted to the intellectual property community, via the TMCH, as a service for sale. Other than that, punkt.wien does not believe there are intellectual property considerations.

25. Does the proposed service contain intellectual property exclusive to your gTLD registry?

No.

26. List Disclaimers provided to potential customers regarding the Proposed Service.

N/A

27. Please provide any other relevant information to include with the request.

All relevant information has been provided by answering this questionnaire.

Click the Save button to save your work and click the Submit button to submit to ICANN.

Affected TLDs

Current Registry Operator	Top Level Domain	Registry Agreement Date
punkt.wien GmbH	wien	2013-10-28